

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 23.10.2018

CORAM

THE HONOURABLE DR. JUSTICE S.VIMALA

W.P. NO. 19059 OF 2010

AND

M.P. NO. 1 OF 2010

Ghatge Patil Transports Ltd.
New No.56 (Old No.58)
Ellis Road
Chennai 600 002.

... Petitioner

- Vs -

1. The I Addl. Labour Court
Chennai.

2. P.Subramani

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorari calling for the records relating to the award dated 23.2.2010 made in I.D. No.260/2007 on the file of the 1st respondent and quash the same.

For Petitioner : Mr. T.P.Manoharan

For Respondents: Mr. K.Elango for R-2
R1- Court

ORDER

The petitioner/Management has filed the writ petition challenging the order of reinstatement.

2. It is to be pointed out that when the order of the Labour Court is challenged by the Management, it is the duty on the part of the Management to pay wages u/s 17 (b) to the workman/2nd respondent herein. Despite the Court directing the Management to pay the wages u/s 17 (b) to the workman on 3.10.2018, till date the Management has not chosen to comply with the order passed by this Court.

3. Learned counsel appearing for the petitioner/Management submits that the notice sent to the party by Registered Post Acknowledgement Due did not evoke any response from the Management. However, the learned counsel submits that he is

ready and willing to argue the case on merits.

4. Be that as it may. The preliminary issue that falls for consideration is whether the party, who has disobeyed the orders passed by the Court is entitled to be heard on merits.

5. The provision under the Industrial Disputes Act for a direction to the Management to pay the wages to the workman u/s 17 (b) of the said Act has a social purpose to serve. The object of granting wages u/s 17 (b) is to enable the workman, who is facing an order of dismissal, to sustain himself and be competent enough to appear before this Court and contest the case against him. When such being the object of the enactment and if the order passed directing payment of wages u/s 17 (b) is not complied with, it is to be presumed that the workman will not be in a position to come and defend his case. Further, a party, who has not complied with the order passed by the Court is not entitled to an hearing of its case on merits.

6. In such circumstances, when the conduct of the Management itself shows scant regard and disrespect to the order passed by this Court and further there being no response to the notice issued by its counsel, then the inference that is to be drawn is that the petitioner is not interested to contest the case on merits.

7. In such view of the matter, the petitioner is not entitled for hearing of the writ petition on merits and, accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petition is closed. However, in the circumstances of the case, there shall be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

GLN

TO

1.The Ist Additional Labour Court,
Chennai.

+lcc to Mr.K.elango, Advocate, S.R.No. 72520

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RV (CO)

GN(19/12/2018)